

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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KEVIN KESKINEN,

Plaintiff,

vs.

CIVIL NO.: 08-CV-10538-DT  
HON. ROBERT H. CLELAND

COMMISSIONER OF SOCIAL  
SECURITY

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the court on the parties' cross motions for summary judgment. The case was referred to United States Magistrate Judge Virginia Morgan pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued her report on January 14, 2009 recommending that this court deny defendant's motion for summary judgment, grant plaintiff's motion for summary judgment in part and remand the case to the Commissioner for further proceedings. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C); thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the report, the court determines that the findings and conclusions of the magistrate judge are correct and **ADOPTS** the same for purposes of this order.

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<sup>1</sup> The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. See *Thomas v. Arn*, 474 U.S. 140,149 (1985).

**ORDER**

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the defendant's motion for summary judgment is **DENIED**, plaintiff's motion for summary judgment is **GRANTED IN PART** and this matter is **REMANDED** for further proceedings.

IT IS SO ORDERED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 30, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522